

REMARKS

Reconsideration of this application is requested.

The applicants elect the Group I claims, i.e. claims 1-14. Non-elected claims 15 and 16 have been canceled without prejudice to possible divisional filing.

The elected claims have been amended to improve form. References to preferred and most preferred embodiments have been deleted from claims 1, 4 and 5. The deleted matter has been made the subject of new claims 17-23.

With respect to the Examiner's requirements for election of species, the applicants do not believe that such elections should be required in the context of the elected Group of claims. Nevertheless, to be responsive, the applicants respond as follows:

(A) The amendment to claim 5 deletes the reference to species or subgenus from the definition of first component (C). Accordingly, no species are present in claim 5, as amended.

(B) With regard to claim 6, the applicants elect the palm-based fats. If something more specific is required, applicants elect palm oil.

(C) As fruit source in claims 9 and 15, the applicants elect apples as the source.

(D) As the food product of claim 11, applicants elect the spreads embodiment.

(E) No election is needed as claim 15 is non-elected and have been canceled.

It is believed that the foregoing is fully responsive to the Examiner's several election requirements and to the action as a whole. Accordingly, favorable action on the merits of the elected claims, which should include new claims 17-23, is requested.

Disclosure Statement


Supplementing the applicants' earlier submission of the European Search Results in connection with the applicants' European filing, attached is a copy of the Search Report issued in the applicants' completed European filing. Most of the references cited in the attached Search Report were noted in the previously submitted Search Report. However, copies of the additional references (an Abstract of SU 1738215A and EP 0555484) are attached and listed on the PTO-1449 accompanying this response. A copy of EP 1123659 is not attached as this corresponds with the commonly assigned Serial No. 09/780,478 (Cain et al) and is not citable as prior art.

The Examiner is requested to consider the attached references and the applicants earlier art submission and return initialed copies of the PTO-1449s as submitted.

Favorable action is requested.

Respectfully submitted,

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APPENDIX

Version with Markings to Show Changes Made

IN THE CLAIMS

Claims 15 and 16 are being canceled.

The claims are amended as follows:

1. (Amended) Blend of a health component and a glyceride, wherein the health component is a mixture comprising ursolic acid and oleanolic acid in a weight ratio of 1:99 to 99:1, [preferably 5:95 to 95:5, most preferably 15:85 to 15:85] wherein the mixture contains less than 20 wt %[, preferably less than 10 wt %, most preferably 1 to 6 wt %] of the natural apolar and/or low molecular weight components as present in natural extracts for ursolic acid and oleanolic acid, and wherein the blend contains 1-99 wt % of one or more components selected from mono-, di- and triglycerides as the glyceride.

3. (Amended) Blend according to [claims] claim 1 [and] or 2 wherein the [health component is the mixture according to claims 1 and 2 and which] blend contains 5 to 80 wt % of one or more components selected from mono-, di-, and triglycerides as the glyceride.

4. (Amended) Blend according to [claims 1-3] claim 3 wherein the glyceride part displays a solid fat content [masured] measured by NMR-pulse on a non-stabilised fat at the temperature indicated of :

5 to 90 at 5°C

2 to 80 at 20°C and

less than 15[, preferably less than 10] at 35°C.

5. (Amended) Blend according to [claims 1-4] claim 4 wherein the blend comprises components A, B and C, wherein:

A = the composition of claims 1 or 2

B = a solid fat with an N20 of more than 20[, preferably more than 45, most preferably more than 60] and

C = a fat having at least 40 wt % of fatty acids with 18 C-atoms and having one to three double bonds[, in particular fish oils, fish oil concentrates or conjugated linoleic acid glycerides]

A being present in amounts of more than 0.1 wt %, [preferably 0.1 to 20 wt %, most preferably 0.2 to 10 wt %]

B being present in amounts of 8 to 90 wt %[, preferably 25 to 75 wt %, most preferably 40 to 70 wt %] and

C being present in amounts of 0 to 85 wt %[, preferably 15 to 65 wt %, most preferably 20 to 50 wt %].

10. (Amended) Food products with a fat phase comprising at least partly the blend according to [claims 1 to 9] claim 1.

12. (Amended) Food products according to [claims] claim 10 [and] or 11 wherein the food product comprises 10 to 90 wt % of a continuous fat phase.

13. (Amended) Food supplements comprising the blend according to [claims 1-9] claim 1 in encapsulated form.

New claims 17 – 23 are being added.